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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

| | | |
|------------------------------|---|-------------------------------------|
| 12 UNITED STATES OF AMERICA, |) | No. CR 3 05-70637 BZ |
| |) | CR-05-0653 PJH |
| 13 Plaintiff, |) | |
| |) | PROPOSED ORDER EXCLUDING |
| 14 v. |) | TIME FROM AUGUST 29, 2005 |
| |) | THROUGH SEPTEMBER 28, 2005 FROM |
| 15 DAMIEN RAYMOND, |) | CALCULATIONS UNDER THE SPEEDY |
| |) | TRIAL ACT (18 U.S.C. § 3161) AND |
| 16 Defendant. |) | UNDER F.R.C.P. 5.1 |

17
18 The parties were before this Court for appearance on the pending complaint on August
19 29, 2005. The defendant was personally present and out of custody. Steven G. Kalar, Assistant
20 Federal Public Defender, appeared on behalf of the defendant. Gregg W. Lowder, Assistant
21 United States Attorney, appeared for the United States. The Court continued the matter to
22 September 28, 2005 @ 9: 30 a.m. for defendant's next appearance in magistrate court.

23 At the request of the defendant, the Court enters this order documenting the exclusion of
24 time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, and from calculations
25 under Federal Rule of Criminal Procedure 5.1, from August 29, 2005 through September 28,
26 2005, and orders the matter to a settlement conference before the Honorable Joseph C. Spero,
27 United States Magistrate Judge, during the interim period. The parties, including the defendant,
28 agree and the Court finds and holds as follows:

Order re Speedy Trial Exclusion of Time
CR 3 05-70637 BZ

1 1. The defendant understands and agrees to the exclusion of time from calculations under
 2 the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure
 3 Rule 5.1, from August 29, 2005 through September 28, 2005 based upon the need for the
 4 defense to conduct further investigation into the facts of the case in order to effectively
 5 investigate and prepare the defendant's case, and to effectively prepare for a settlement
 6 conference set at the defendant's request.

7 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
 8 Act and under Federal Rule of Criminal Procedure 5.1 for the above reasons, and
 9 believes the exclusion of time is in the defendant's best interests, and further agrees that
 10 the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of
 11 Criminal Procedure 5.1 should be from August 29, 2005 through September 28, 2005.

12 Given these circumstances, the Court finds that the ends of justice served by excluding
 13 from calculations the period from August 29, 2005 through September 28, 2005, outweigh the
 14 best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18
 15 U.S.C. § 3161, and under the rights encompassed under Federal Rule of Criminal Procedure 5.1.
 16 Accordingly, and with the consent of the defendant, the Court (1) sets an appearance date before
 17 the Honorable Joseph C. Spero, United States Magistrate Judge, on September 28, 2005, @ 9:30
 18 a.m. and orders a settlement conference in the interim, and (2) orders and finds that the time
 19 from August 29, 2005 through September 28, 2005 is excluded from time calculations under the
 20 Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure 5.1.

21 SO STIPULATED:

22 DATED: 9-27-05

/s/
 STEVEN G. KALAR
 Attorney for Defendant

24 DATED: 9-12-05

/s/
 GREGG W. LOWDER
 Assistant United States Attorney

26 IT IS SO ORDERED.

27 DATED: October 20, 2005


 JAMES L. VADAS
 Chief United States Magistrate Judge
 Nandor J. Vadas
 U.S. Magistrate Judge

Order re Speedy Trial Exclusion of Time
 CR 3 05-70637 BZ